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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 OMAR QAZI, by and through YASIR  
10 MEHMOOD, next friend,

11 Petitioner,

12 vs.

13 EMERGENCY RESPONSE TEAM  
14 MEMBERS OF NEVADA SOUTHERN  
15 DETENTION CENTER, et al.,

16 Respondents.

Case No. 2:15-cv-01525-APG-VCF

**ORDER**

16 Yasir Mehmood has filed a petition for a writ of habeas corpus on behalf of Omar Qazi, who  
17 is detained in the Nevada Southern Detention Center and who is a defendant in a criminal action in  
18 this court, United States v. Qazi, Case No. 2:15-cr-00014-APG-VCF. The court has reviewed the  
19 petition, and the court dismisses this action.

20 An “[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the  
21 person for whose relief it is intended or by someone acting in his behalf.” 28 U.S.C. § 2242. The  
22 law allows for a person other than the petitioner to file a petition for a writ of habeas corpus, but  
23 there are two defects with what Mehmood is trying to do. First, Mehmood is not an attorney, and  
24 thus he cannot represent Qazi. Second, Qazi is not under any disability that would prevent him  
25 from filing a habeas corpus petition by himself. Qazi is representing himself in the criminal action,  
26 and he has demonstrated that he is able to file documents in this court. If Qazi wants to pursue an  
27 action based upon the allegations in the petition, then he may.  
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1 This also is the wrong form of action for the allegations that Mehmood presents. Mehmood  
2 alleges that officers at the Nevada Southern Detention Center beat Qazi on July 13, 2015. This is an  
3 allegation about the conditions of confinement, not the validity of confinement. "Habeas corpus  
4 proceedings are the proper mechanism for a prisoner to challenge the 'legality or duration' of  
5 confinement. A civil rights action, in contrast, is the proper method of challenging 'conditions  
6 of . . . confinement.'" Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (quoting Preiser v.  
7 Rodriguez, 411 U.S. 475, 484, 498-99 (1973)).

8 Also before the court is a motion to order (#2), which is actually the first page of the  
9 petition. The court denies this motion.

10 Reasonable jurists would not find the court's conclusions to be debatable or wrong, and the  
11 court will not issue a certificate of appealability.

12 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is  
13 **GRANTED**. Mehmood need not pay the filing fee of five dollars (\$5.00).

14 IT IS FURTHER ORDERED that the motion to order (#2) is **DENIED**.

15 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of  
16 habeas corpus.

17 IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice. The clerk  
18 of the court shall enter judgment accordingly and close this action.

19 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

20 DATED: 11/2/15

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24 ANDREW P. GORDON  
25 United States District Judge  
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